

**State of California
Office of Administrative Law**

In re:
Commission on Peace Officer Standards and Training

Regulatory Action:

Title 11, California Code of Regulations

APPROVED:

Adopt sections:

Amend sections: 1953, 1955

Repeal sections:

WITHDRAWN:

Adopt sections:

Amend sections: 1955(b)(3)(C)

Repeal sections:

**NOTICE OF APPROVAL IN PART AND
WITHDRAWAL IN PART OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2018-0912-03

OAL Matter Type: Regular (S)

This action (1) amends background check requirements for interim chiefs; and (2) amends education and training requirements for peace officer screening psychologists (evaluators).

OAL approves the sections listed as APPROVED above pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2019.

The section(s) listed as WITHDRAWN above were withdrawn from OAL review pursuant to Government Code section 11349.3(c).

Date: October 24, 2018



**Mark Storm
Senior Attorney**

**For: Debra M. Cornez
Director**

**Original: Manuel Alvarez, Jr., Executive
Director**

Copy: Melani Singley

Peace Officer Selection Standards
Regulation(s) 1953 and 1955
APPROVED TEXT (Effective January 1, 2019)

11 CCR § 1953

§ 1953. Peace Officer Background Investigation.

[Regulation 1953(a)-(e) continued]

(f) Background Investigation Updates

[Regulation 1953 (f)(1)(A) continued]

(B) At the discretion of the hiring authority, if an interim police chief was initially investigated by a California POST participating department in accordance with all current requirements and the background file has been determined compliant by POST, an updated background investigation, as opposed to a complete new background investigation, may be conducted provided the following three conditions are met:

1. The results of the initial background investigation are available and have been reviewed by the hiring authority,
2. The initial background investigation was conducted within the past five years, and
3. The individual has served as an interim police chief within the last 24 months.

The retention of all background investigation records, including the initial and updated background investigations, shall be the responsibility of the hiring authority.

(2) Update Requirements

(A) A new personal history statement [Regulation 1953(c)] with updated information covering the period from the last personal history statement to the current date shall be completed by the peace officer candidate.

(B) The department shall conduct investigations of all new information reported by the candidate on the new personal history statement.

1. For candidates reappointed to the same department per Regulation 1953(f)(1)(A)1., the new background investigation shall cover the period since the candidate separated from the department.
2. For candidates transferring, without a separation, to a different department within the same city, county, state, or district per Regulation 1953(f)(1)(A)2., or interim chiefs who meet the requirements of Regulation 1953(f)(1)(B). the new background investigation shall cover the period since the date the previous background investigation was completed.

(C) Any area of investigation for which there is updated information shall be addressed in the updated background investigation. This shall minimally include a new: 1) Local Criminal Record Check, 2) State and National Criminal Check, unless there is written attestation

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that the candidate was never removed from the department's peace officer files of the DOJ or FBI, 3) Driving Record Check, and 4) Credit Record Check.

- (D) Updated background investigation documentation shall be maintained with the initial background investigation documents.
- (E) If the original background investigation was conducted within one year from the date of reappointment, it is not necessary to update criminal record checks, driving record check, or credit check.

[Regulation 1953 (g) continued...]

Note: Authority cited: Sections 1030, 1031, 1031.2 and 1031.5, Government Code; Section 2267, Vehicle Code; and Sections 13503, 13506 and 13510, Penal Code. Reference: Sections 1029, 1030, 1031, 1031.2, 1031.5 and 12900 et seq., Government Code; Sections 2267 and 12500, Vehicle Code; Sections 13510 and 29805, Penal Code; and Title 18 Section 922(d)(9), US Code.

11 CCR § 1955

§ 1955. Peace Officer Psychological Evaluation.

[Regulation 1955(a) – (a)(2) continued...]

- (3) The evaluator must complete a minimum of 12 hours biennially of POST-approved continuing professional education per Commission Regulation 1955(b).

[Regulation 1955(a)(4) – (b)(2) continued...]

(3) Evaluator CPE Requirement

- (A) All evaluators must complete ~~an initial six (6) hours of POST-approved CPE~~ the POST-developed Peace Officer Psychological Screening Manual on-line exam prior to conducting preemployment psychological screening. Incumbent evaluators must meet this requirement no later than July 1, 2019.
- (B) Effective September 1, 2014, evaluators must complete 12 hours of POST-approved CPE every license renewal cycle. For partial cycles, CPE hours are prorated at .5 hours per month, based on the evaluator's license renewal date. The POST CPE requirement must be met no later than the evaluator's license renewal date. Additional CPE hours above the 12 hour minimum do not count toward the next two-year cycle.
- (C) The evaluator may satisfy no more than 75% [up to nine (9) hours] of the POST CPE requirement through independent learning that meets Regulation 1955(b)(1). Independent learning includes, but is not limited to, courses delivered via the Internet, CD-ROM, satellite download, correspondence, and home study.

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[Regulation 1955(b)(4) – (g) continued...]

Note: Authority cited: Section 1031, Government Code; Sections 13503, 13506 and 13510, Penal Code. Reference: Section 56.11, Civil Code; Section 1031, Government Code; and Section 13510, Penal Code.